

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

SYLVESTER WOOTEN

PLAINTIFF

v.

CIVIL ACTION NO. 3:17-CV-78-RP

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

FINAL JUDGMENT

Plaintiff Sylvester Wooten filed suit under 42 U.S.C. § 405(g) for judicial review of the unfavorable decision of the Commissioner of Social Security regarding an application for a period of disability, disability insurance benefits, and supplemental security income. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provision of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. Docket 11. The Court, having considered the record, the administrative transcript, the briefs of the parties, the oral arguments of counsel and the applicable law, and as explained further from the bench at the conclusion of the hearing hereon, finds as follows:

The Commissioner's decision that Plaintiff does not have a severe impairment or combination of impairments is not supported by substantial evidence. Despite the absence of competing, firsthand medical evidence from a treating or examining physician, the ALJ failed to conduct a proper analysis of Dr. Jorge Leal's opinions under *Newton v. Apfel*, 209 F.3d 448 (5th Cir. 2000) and 20 C.F.R. § 404.1527(d). The Court finds this to be reversible error and reverses and remands the ALJ's decision for a de novo review of Plaintiff's application.

SO ORDERED AND ADJUDGED, this the 1st day of March, 2018.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE